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Attorney Docket No. 24025-501NATL

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U.S. TRADEMARK OFFICE

JUN 02 2003
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Eisenberg *et al.*

APPLICATION NO: 10/009,809

EXAMINER: Patrick J. Nolan

FILING DATE: April 26, 2002

ART UNIT: 1644

FOR: *NOVEL ANTI-ALLERGIC AGENTS*

Boston, MA
June 2, 2003

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

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TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

Response to Requirement for Restriction (2 pgs.);
 Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 24025-501 NATL. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,



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Dated: June 2, 2003

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RESPONSE TO REQUIREMENT FOR RESTRICTION

This paper is in response to the May 7, 2003 Restriction Requirement (Paper No. 11). A response is due on or before June 7, 2003. Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 24025-501NATL).

Remarks

In response to the Restriction Requirement dated May 7, 2003, Applicants provisionally elect the invention of **Group II**, claims 30-47 and 50, drawn to a method of treating allergy. Applicants reserve the right to prosecute the non-elected claims in one or more continuing applications and also respectfully reserve the right to traverse the Examiner's requirement of a restriction in a future response to the U.S. Patent and Trademark Office.

Applicants traverse the Examiner's requirement for restriction. The Examiner claims that the invention listed as Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features in view of U.S. Patent No. 5,807,746, which discloses the use of biologically active peptide conjugated to importation component peptides in order to enable the delivery of said biologically active peptide across the membrane of cells. However, U.S. Patent No. 5,807,746 fails to teach or disclose or provide any guidance as to the *in vivo* efficacy of this proposed complex prior to the present invention. The compositions and the methods of treatments of the present invention relate to a single, general inventive concept in as